

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALEC TABAK

Plaintiff,

- against -

ITSBIZKIT, LLC

Defendant.

2:17-cv-2962-JS-SIL

AFFIDAVIT IN SUPPORT OF CERTIFICATE OF DEFAULT

STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

RICHARD P. LIEBOWITZ, being duly sworn, deposes and says:

1. I am member of the Bar of this Court and am the attorney for the plaintiff, ALEC TABAK (“Plaintiff”) in the above-captioned action. I am fully familiar with the facts and circumstances set forth in this affidavit.
2. I submit this affidavit in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, in support of Plaintiff’s application for a certificate of default against defendant, ITSBIZKIT, LLC (hereinafter the “Defaulting Defendant”).
3. This action seeking statutory damages against the Defaulting Defendant arising from the Defaulting Defendant’s unauthorized use of Plaintiff’s photograph on their website, which is an infringement of Plaintiff’s copyright in violation of 17 U.S.C. § 501 et seq.
4. Jurisdiction over the subject matter of this action is based upon 28 U.S.C. §1338(a) and 28 U.S.C. § 1331.
5. This Court has personal jurisdiction over the Defaulting Defendant because it is a New York corporation, it maintains its principal place of business in New York County and is registered to do business in New York.
6. This Complaint in this action was filed on May 16, 2017 (See Docket Entry No. 1.) A true and correct copy of the Summons, Civil Cover Sheet, and Complaint were served

upon the Defaulting Defendant through the New York Secretary of State on June 6, 2017.
(See Docket No. 5) making a response due on July 6, 2017.

7. On July 7, 2017, Proof of Service was filed with the Court (Id.).
8. However, to date, Defaulting Defendant has not answered or otherwise responded to Plaintiff's Complaint and that time for Defaulting Defendant to do so has expired.

LIEBOWITZ LAW FIRM, PLLC

/s/Richard Liebowitz

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